

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN HOCHBERGER & KERRI HOCHBERGER,	:	Case No. 2:20-cv-1905
Plaintiffs,	:	
vs.	:	
MIDLAND FUNDING, LLC,	:	
Defendant.	:	

NOTICE OF REMOVAL

Defendant, Midland Funding, LLC (“Defendant”), by and through its undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §1441(a). The grounds for this removal are set forth as follows:

1. On or about October 21, 2020, Plaintiffs, Brian Hochberger and Kerri Hochberger (collectively, the “Plaintiffs”), filed a Complaint in the Court of Common Pleas of Allegheny County, Pennsylvania entitled *Brian Hochberger and Kerri Hochberger v. Midland Funding, LLC*, at Docket Number 20-009069 (the “State Court Action”).
2. Pursuant to § 1446(a), a copy of the Complaint, which constitutes copies of all “process, pleadings, and orders” in the State Court Action is attached hereto as **Exhibit 1**.
3. Plaintiff’s Complaint arises out of the allegations that Midland violated the Fair Debt Collection Practices Act, 15, U.S.C. §1692, *et seq.* (hereinafter, the “FDCA”) and the Telephone Consumer Protection Act, 47 U.S.C. §227, *et seq.* (hereinafter, the “TCPA”) in connection with certain telephone calls that were purportedly made to Plaintiff.

4. Plaintiff's action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1331 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441(a) because the only counts of the Complaint allege violations against Defendant under the FDCPA and the TCPA.

5. This Notice of Removal is being timely filed within thirty (30) days of receipt of the Complaint as required by 28 U.S.C. §1446(b).

6. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon Plaintiff and a copy is being filed with the Prothonotary for the Court of Common Pleas of Allegheny County, Pennsylvania.

7. A copy of the Notice of Filing of Notice of Removal, which is being timely filed with the clerk of the state court in which the action is pending (and which will be served on Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d)), is attached hereto as **Exhibit 2**.

8. This Court is part of the "district and division" embracing the place where the Complaint was filed—Allegheny County, Pennsylvania—and so this Court is the proper venue for purposes of removal. 28 U.S.C. § 1446(a).

9. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

10. If Plaintiff seeks to remand this case, or this Court considers remand *sua sponte*, Defendant respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

WHEREFORE, Midland Funding, LLC respectfully requests that this action be removed to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

BLANK ROME, LLP

Dated: December 8, 2020

/s/ Michael P. Trainor

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CERTIFICATE OF SERVICE

I, Michael P. Trainor, hereby certify that a true and correct copy of the foregoing document was served upon the following individuals via electronic and regular mail.

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December 8, 2020

/s/ Michael P. Trainor

Michael P. Trainor